

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

RAY SALAZAR,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-10-74
	§	
RICK THALER,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION TO GRANT  
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

On July 20, 2010, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 14) be granted, that petitioner's petition (D.E. 1) be dismissed, that petitioner's motions for sanctions (D.E. 17) be denied, and that petitioner be denied a certificate of appealability.


On August 4, 2010, petitioner filed Objections to the Magistrate's Recommendations. (D.E. 20.) Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, see Koetting v. Thompson, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge, with the following clarifications. First, the Court clarifies that petitioner was found guilty of "attempting to assault an offender," not "attempting to assault an officer." (D.E. 1 at 2; D.E. 15 at 12.)

Second, to the extent Petitioner continues to allege a violation of a protected liberty interest, the Court finds that Petitioner's disciplinary hearing complied with the due process requirements established in Wolff v. McDonnell, 418 U.S. 539 (1974).

Accordingly, it is ORDERED that respondent's motion for summary judgment is granted, petitioner's motion for sanctions is denied, and petitioner's petition is dismissed. Petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 17th day of August, 2010.

  
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Janis Graham Jack  
United States District Judge